

Remarks

We are in receipt of the Office Action dated August 25, 2006, and the above Amendment and following remarks are made in light thereof.

Claims 2, 3, 6, 15, 18, 20, 21, 23 and 31-35 are pending in the application. Pursuant to the Office Action, each of the pending claims is rejected. Claims 31 are objected to. Specifically, claims 31-35, 2-3, 6, 15, 18, 20-21 and 23 are rejected under 35 USC 102(b) as being anticipated by Updike U.S. 3,762,586. Claim 32 is also rejected under 35 USC 112, second paragraph, as being indefinite. By way of the foregoing amendments, Applicant has addressed the claim objections noted by the Examiner in the rejection for indefiniteness.

By way of the foregoing amendments, each of the independent claims 31-35 have been amended to require a base member fixedly mounted to a vehicle and an elongated beam movably carried by the base that has a first end portion to which a lifter support is mounted, the receptacle lifter being secured to the lifter support.

Claims 31, 32 and 35 also each require that the beam be movable substantially linearly between an extended pick up position in which the first end of the beam extends substantially beyond the slide of the vehicle to which the lifter is attached.

In contrast, the apparatus for apparatus of Updike has a "control unit" 60 to which a boom assembly 54 is secured. The control unit is mounted in a slot 62 on the front of the vehicle. However, no portion of the control unit 60 moves outside the confines of the slot. More specifically, in contrast to the claimed invention, the control unit 60 of Updike is not an elongated beam. It does not have a first end portion to which a lifter support/lifter is mounted. It does not have a first end portion that is movable

substantially linearly so that it extends substantially beyond the slide of the vehicle. Thus, none of claims 31, 32 and 35, and the claims dependent therefrom can be anticipated by Updike.

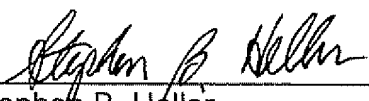
Claims 33 and 34 also each require that the lifter support have an operating position that is generally perpendicular to the sliding member and laterally of the container.

In contrast, in the apparatus of Updike, the "grab assembly" 24 is not mounted directly to the control unit, but to the boom assembly 54. The grab assembly does not move to an operating position that is both perpendicular to the control unit and laterally of the container. Thus, none of claims 33 and 34, and the claims dependent therefrom, can be anticipated by Updike.

In view of the foregoing, Applicant respectfully submits that the application is now in condition for allowance, and an early Office Action in this regard is earnestly solicited.

Respectfully submitted,

Dated: December 12, 2006



Stephen B. Heller
Attorney of Record
Registration No.: 30,181
COOK, ALEX, McFARRON, MANZO,
CUMMINGS & MEHLER, LTD.
200 West Adams Street, Suite 2850
Chicago, Illinois 60606
(312) 236-8500